

FILED**JUL 14 2023**CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDOFORM TO BE USED BY A PRISONER IN FILING
A CIVIL RIGHTS COMPLAINTUNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF OHIO**3:23 CV 1367****JUDGE HELMICK****MAG JUDGE CLAY**JUSTIN ALLEN HENDRICKSON
Plaintiff,

v.

SEE Exhibit A
Defendant.

Case No.

JUDGE _____

COMPLAINT

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES ☒ NO

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs JUSTIN ALLEN HENDRICKSONDefendants SEE Exhibit A

2. Court (if federal court, name the district; if state court, name the county):

~ 2 ~

2. Court (if a federal court, name the district; if state court, name the county)

N/A

3. Docket Number

N/A

4. Name of judge to whom case was assigned

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing of lawsuit

N/A

7. Approximate date of disposition

N/A

II. Place of Present Confinement

Trumbull Correctional Institution

- A. Is there a prisoner grievance procedure in this institution? YES

☒ NO ☐

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

YES

☒

NO

☐

- C. If your answer is YES

1. What steps did you take? Filed A complaint

At (NCCI) to (CEIC)

2. What was the result? Everything was denied

- D. If your answer is NO, explain why not:

N/A

N/A

- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?

YES

☒

NO

☐

- F. If your answer is YES,

~3~

1. What steps did you take? I Did Informal complaint
And wrote Annette-Smith
Filed it to the Chief Institution Inspection
committee, CCEC) And to O.P.R.C
2. What was the result? MRS Annette-chambers-Smith Returns it
And Tell's MAS carry to handle it,

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

- A. Name of the Plaintiff: Justin Allen Hendrickson ~~000000~~
Trumbull, Correctional Institution,
 Address 85701 Burnett RD P.O. Box 901
Leavittsburg Ohio 44430-0901

(In item B below, place the full name of the defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Use Item C for the names, positions and places of employment of any additional defendants.)

- B. Defendant See Exhibit C is employed as
N/A at N/A.
- C. Additional Defendants N/A
N/A

IV. Statement of Claim

(State here briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separated paragraph. Use as much space as you need. (Attach extra sheet(s) if necessary.)

See Exhibit B Part 1 and 2

~ 4 ~

SEE EXHIBIT B part 1³²

~ 5 ~

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

see Exhibit B part 2

Signed this 20 day of June, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

6/20/2023
(Date)

Justin Allen Hendrickson
(Signature of Plaintiff)

Exhibit A

In the United States District Courts District Courts

For the Northern District of Ohio

Northwestern District.

3:23 CV 1367

Justin Allen Hendrickson.

)

CASE NO. _____

Plaintiff

)

JUDGE HELMICK

-VS-

)

MAG JUDGE CLAY

)

JUDGE: _____

State of Ohio

Management Training Corporation
500 N. Marketplace Drive # 100.
Centerville UT 84014.

North Central Correctional Institution
670 Marion-Williamsport Road East.
Marion Ohio 43302-1812.

Defendants.

)

Complaint

1) Becky Joyce.

2)Brittney Keller.

3)David Catanese

4)Jeffrey Anthony

5)Jermain Covington A347212

6)Lori Shuler

7)Mindy Taylor.

Jury Demanded Trial

I. JURISDICTION & VENUE

- 1) This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under the color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1334 (a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202.
- 2) The Northwestern District, is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

II. PLAINTIFFS

- 3) Plaintiff, Justin Allen Hendrickson, is and was at all times mentioned herein a prisoner of the State of Ohio in the custody of the Ohio department of Corrections. He is currently confined in the Trumbull Correctional Institution at 5701 Burnette Road, Leavittsburg, Ohio 44430.
- 4) Defendants, Becky Joyce, Lori Shuler, Brittney Keller, Jeffrey Anthony, Mindy Taylor, and David Catanese are employed as state employees working under the color of law at the North Central Correctional Institution (NCCI). Defendant, Jermain Covington A347212, is an inmate incarcerated at, (NCCI), during the time the allege violation occurred.
- 5) Defendants, Becky Joyce, Lori Shuler, Brittney Keller, Jeffrey Anthony, Mindy Taylor, and David Catanese are legally responsible for the operation of, (NCCI), prison and the safety and welfare of all inmates in that prison.
- 6) Each defendant is being sued individually and in his/her official capacity with the exception to Defendant, Jermain Covington A347212, he is being sued in his individual capacity only.
- 7) At all times mentioned in this complaint each defendant, Becky Joyce, Lori Shuler, Brittney Keller, Jeffrey Anthony, Mindy Taylor, and David Catanese, acted under the color of state law.

III. FACTS

- 8) On or about March 4, 2022, I was transfer to North Central Correctional Institution, (NCCI), from Correctional Reception Center, (CRC), and was placed in Harden C/D dorm for orientation and then on March 11, 2022. I was then placed in Marion A/B dorm where I begin experiencing Sexual Harassment by multiple inmate being that I am Transgender Female and I had been approached by several inmates requesting sexual favors.
- 9) I reported these events to Mrs. Annette-Chamber-Smith via U.S. mail on April 13, 2022. She returns the letter to the PREA Coordinator Mrs. Curry and told her to handle it. Mrs. Curry did not do anything except move me from the Marion A/B dorm to Morrow C/D dorm, where it started all over again but this time it was even worse.
- 10) On Friday May 22, 2022, I was sexually assaulted by inmate Jermain Covington A347212 and a rape kit was completed by said Nurse Mrs. Kayla at Marion General Hospital who is the nurse that does rapes testing for that Hospital.
- 11) Mrs. Curry violated my 14th Amendment constitutional right by not securing my welfare and safety and violated my due process rights under the 14th Amendment. Upon further investigation they tried to blame everything on me stating that "oh you have 5 numbers, so your claiming rape to get out of trouble that is why your claiming rape."
- 12) That is not the case, "on multiple occasion since I was a child I was a victim of Rape and I know when I am being raped." 12.

13) So when Jermain Covington A347212 Raped me in the shower in the Morrow C/D C- side shower, it wasn't willing, it was in fact Rape which is a Felony 1 Under Ohio Revised Code 2907.02. The Staff at (NCCI) blamed me and alter the Video Footage of the issue.

14) I had a witness to the events my boyfriend, Jeffrey D Brown A502907, but they refused to allow him to testify as my witness. (NCCI) had 5 people as witnesses and choose to accept their testimony instead of believing my testimony over their witness.

15) I followed procedure and filed Informal Complaints Under Inmate Grievance Policy AR5120-9-31 which they would ignore, deny it, or even close it without any reason why.

16) These events would have continued where inmates would Sexually Harass me, asking me to perform Sexual Favors on them.

17) My boyfriend and I would end up arguing because they would not stop.

18) On Saturday May 21, 2022, I was placed in the Morrow A/B dorm that night where the sexual harassment continued and more and more inmates would continue pressuring me for sexual favors like oral sex or anal sex.

19) Every time I would turn them down and every time they would continue lying to my Boyfriend Jeffrey D Brown.

20) Investigator Jeffrey Anthony threaten me saying that "if you Continue lying to us I will personally do everything within my powers to get you up out of here."

21) Mrs. Curry refused to do anything about it and so did David Cantanese.

22) When the rape occurred Captain Brian Elliot was the first Responder to the PREA Incident and was also the person who transported me to the Marion General Hospital but refused to be my witness during the investigation.

23) As a Transgender Female my Constitutional rights have been violated by the Defendants and I have been discriminated against because of my sexual choices.

24) My due process rights under the 14th Amendment has been violated as to equal and fair treatment in securing my welfare and safety from being harm by other inmates and staff.

25) The Defendants were acting under the color of state law during the alleged allegations.

IV. EXHAUSTION OF LEGAL REMEDIES

26) Plaintiff, Justin Allen Hendrickson, used the prisoner grievance procedure available at, (NCCI), to try and solve the problem. On [date filed grievance], plaintiff, Justin Allen Hendrickson, presented facts relating to this complaint. On [date got response], plaintiff, Justin Allen Hendrickson, was sent a response stating that the grievance had been denied. On [date filed appeal] he appealed the denial of the grievance. On [date got response], plaintiff, Justin Allen Hendrickson, was sent a response stating that the appeal has been denied

V. LEGAL CLAIMS

IV. Statement of Claim

EXHIBIT B

On or about March 4, 2022, I was transfer to North Central Correctional Institution, (NCCI), from Correctional Reception Center, (CRC), and was placed in Harden C/D dorm for orientation and then on March 11, 2022. I was then placed in Marion A/B dorm where I begin experiencing Sexual Harassment by multiple inmates Which is a Violation of DRC-Policy-79-ISA-01 and 02 which is Pertaining to PREA. For I am a Transgender Female and during my stay at North Central Correctional Institution the administration staff violated DRC-Policy-79-ISA-04 and 05 which pertains to the Lesbian.Gay.Bisexual.Transgender.Questionable.+ Inmates. They also violated DRC-Policy-64-DCM-01 Protection from harm and Inappropriate Supervision along with AR5120-9-04 Appropriate Supervision Discrimination and Racial Issues and DRC-Policy-31-SEM-01 Which stands for Standard Procedures and Professional Conduct. On Several Occasion during my Stay at (NCCI) I was approached by Multiple Inmates asking me to perform Sexual Favor like Oral and Anal Sex's.

I reported these events to Mrs. Annette-Chamber-Smith via U.S. mail and On April 13, 2022. She returns the letter to the PREA Coordinator Mrs. Curry and told her to handle it. Mrs. Curry did not do anything accept move me from the Marion A/B dorm to Morrow C/D dorm, where it started all over again but this time it was even worse.

On Friday May 22, 2022, I was sexually assaulted by Inmate Jermain Covington A347212 and a rape kit was completed by sane Nurse Mrs. Kayla at Marion General Hospital who is the nurse that does rape kits for that Hospital. After returning to (NCCI) On Saturday May 21 2022 I was then placed in Morrow A&B Dorm.

Mrs. Curry violated my 14th Amendment and constitutional right by not securing my welfare and safety which is a Violation of DRC-Policy-64-DCM-01 Protection from harm and Inappropriate Supervision as well violated my due process rights under the 14th Amendment. Upon further investigation they tried to blame everything on me stating that "oh you have 5 numbers, so your claiming rape to get out of trouble. That is not the case for 10 Years of My childhood I experienced Sexual Molestation and Rape."

So when Jermain Covington A347212 Raped me in the shower in the Morrow C/D C-side shower, it wasn't willing, it was in fact Rape which is a Felony 1 Under Ohio Revise Code

IV. Statement of Claim

EXHIBIT B

Section 2907.02. The Staff at (NCCI) blamed everything on me and alter the Video Footage of the issue.

I had a witness to the events my friend, Jeffrey D Brown A502907, but they refused to allow him to testify as my witness. (NCCI) had 5 people as witnesses and choose to accept their testimony instead of believing me.

I followed procedure and filed Informal Complaints Under Inmate Grievance Policy AR5120-9-31 which they would ignore, deny it, or even close it without any reason why.

These events would have continued where inmates would Sexually Harass me, asking me to perform Sexual Favors on them. My friend and I would end up arguing because they would not stop.

Investigator Jeffrey Anthony threaten me saying that "if you Continue lying to us I will personally do everything within my powers to get you up out of here." Mrs. Curry refused to do anything about it and so did David Cantanese. When the rape occurred Captain Brain Elliot was the first Responder to the PREA Incident and was also the person who transported me to the Marion General Hospital but refused to be my witness during the investigation.

As a Transgender Female my Constitutional rights have been violated by the Defendants and I have been discriminated against because of my sexual preference.

My due process rights under the 14th Amendment has been violated as to equal and fair treatment in securing my welfare and safety from being harm by other inmates and staff.

The Defendants were acting under the color of state law during the alleged allegations. With all that being said this conclude my Statement of fact to Support my claim thank you.

Respectfully Submitted

/s/ _____

Justina A Hendrickson A783751
Trumbull Correctional Institution
P.O. Box 901
Leavittsburgs Ohio 44430-0901

Exhibit B Relief Claim Part 1

I Justin Allen Hendrickson A783751 Hereby ask this court to take into consideration the violation of both my Civil and Constitutional rights that was violated during my Incarceration at North Central Correctional Institution in May Of 2022 for I was a Victim of the Following violations. Nowhere in my Sentence that was handed down by Judge Hollie L Gallagher in Cuyahoga County Courts of Common Pleas that I was to be sentence to 8 Years Flat Time not 8 Years Flat Time and Be Subjected to Rape or Sexual Harassment along with Discrimination. By Multiple Offenders. This Prison is Known for allowing Inmates that are Lesbian Gay Bisexual Transgender and Questionable to be victimized and Raped and they do nothing about it, accept Alter the Video Footage to make the Victim look like they wanted to be Raped. There is over 10.000 Lawsuits Pertaining to the Administrative Staff at North Central Correctional Institution Violating the Prison Rape Elimination Act that follows under DRC-Policy-79-ISA-01 and 02 most of the Victims Are Inmates that are Lesbian Gay Bisexual Transgender and Questionable but 80% of them are Child Molester. These concerns have not been reported nor have they Proven but I can say I am in fact a witness to this matter myself. North Central Correctional Institution continue each day to allow their staff to bring in Drugs and Items that can and Will cause Harm. They Fail to follow Policies like DRC-Policy-79-ISA-04 and 05 which is pertains to the L.G.B.T.Q Inmate Population and 80 % of them Inmates has some type of sex's offense on their record but another 60 % is Victimized by their Sexual Preference and their choices. I am a Victim of Rape and I am a Transgender Female and I Have on my Record a Sexual Offense. I ask this Court to also to be aware of the matters at hand that the Administrative Staff of (NCCI) Has Violated DRC-Policy-64-DCM-01 Protection from Harm and Inappropriate Supervision, I also follow this up with DRC-Policy-31-SEM-01 Standard Procedures for Professional Conduct, Along with AR5120-9-04 Appropriate Supervision, Discrimination and Racial Issue. I ask this court to please consider all the factors at Hand and as well consider the Facts that I am also a C-1 Mental Health Caseload and Deputy Warden of Special Service Becky Joyce during my time on Mental Health Observation continued to Harass me and refused to allow me to seek Mental Health Assistance. My Liaison at (NCCI) Was Mrs. Spears and Her and Her Supervisor reported this matter to Columbus Ohio on My Behalf. Just for these factors I am suing for a Violation of My 14th Amendment and Mental and Emotional Distress as well as loss of Property and Wages and Ask this court to seek a settlement of \$350.000 from each Defendant. With that being said this conclude my Relief Request thank you.

6/20/2023

Justin Allen HendricksonA783751.

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

NORTHWESTERN DISTRICT

Justin Allen Hendrickson

)

CASE NO. _____

Plaintiff

)

-VS-

)

State of Ohio

North Central Correctional Institution

670 Marion-Williamsport Road East

Marion Ohio 43302-1812

Management, Training, Corporation.

500 N. Marketplace Drive. #100

Centerville, UT 84014

JUDGE: _____

Becky Joyce, Deputy Warden Special Services)

670 Marion-Williamsport Road East)

Marion Ohio 43302.)

Lori Shuler, Institutional Inspector)

670 Marion-Williamsport RD East)

Marion Ohio 43302.)

EXHIBIT C

Brittney Keller, Unit Manager Administrator)

COMPLAINT

670 Marion-Williamsport RD East)

Marion Ohio 43302.)

Jermain Covington A347212, Inmate)

670 Marion-Williamsport Rd East)

JURY TRIAL DEMANDED

Marion Ohio 43302.)

Jeffrey Anthony, Investigator)

670 Marion-Williamsport RD East)

Marion Ohio 43302)

Names, positions, and places of employment
of the Defendants

Mindy Taylor, Case Manager)

670 Marion-Williamsport RD East)

Marion Ohio 43302.)

David Catanese, PREA Coordinator)

670 Marion-Williamsport RD East)

Marion Ohio 43302.)

Defendants)